

## **June 14, 2005 Agenda Reports**

### **Agenda Item No. 5**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0546

TO: Mayor and City Council Members

SUBJECT: Petitions for Paving, Drainage and Water Distribution System improvements to serve Reed's Cove Addition (south of 21st, east of 127th St. East) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petitions.

Background: The Petitions have been signed by one owner, representing 100% of the improvement districts.

Analysis: These projects will provide paving, drainage improvements and water service to a new residential development located south of 21st, east of 127th St. East.

Financial Considerations: The Petitions total \$440,000. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petitions and adopt the Resolutions.

### **Agenda Item No. 9a**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0547

TO: Mayor and City Council Members

SUBJECT: City Buildings and Facilities - Americans with Disabilities Act  
Compliance (All Districts)

INITIATED BY: Department of Public Works and City Manager's Office

AGENDA: Consent

Recommendation: Approve the Agreement and authorize the necessary signatures.

Background: Many of the City's buildings and facilities do not meet the requirements of the Americans with Disabilities Act (ADA) and are required by Federal Law to be brought into compliance. On September 21, 2004, the Council approved the project, adopted the bonding resolution and authorized staff to issue Requests for Proposals soliciting a consultant to prepare an updated ADA self-evaluation and assist City staff in the preparation of a modified Transition Plan as required by federal law and DOJ regulations.

Analysis: On January 28, 2005, Purchasing issued Request for Proposal No. FP500013 for Professional Services Evaluation of City Buildings & Facilities for ADA Compliance. The City of Wichita's Staff Screening and Selection Committee interviewed 4 professional consultants including Accessology, Complete Access Solutions, Disability Management Consulting Group and National Center on Accessibility. The Committee selected Disability Management Consulting Group, of Columbia MO, (DMCG) and directed staff to negotiate an agreement with them.

An Agreement between the City of Wichita and DMCG has been negotiated and is being submitted for approval. Under this Agreement, DMCG will provide a complete survey of all properties, buildings, and parks owned by the City of Wichita for compliance with the ADA guidelines. The consultant will work hand in hand with City of Wichita staff and the Disability Advisory Council during the survey and development of a feasible Transition Plan for a single lump sum fee of one hundred seventy one thousand seven hundred thirty nine dollars and seventy nine cents (\$171,739.79).

This work, to prepare an updated ADA self-evaluation and assist City staff in the preparation of a modified transition plan, will be the first phase of a multi-year project to bring all City facilities into full ADA compliance. Once the new Transition Plan has been completed, staff will evaluate individual modification projects to determine if the work can be done by City employees or if outside architecture/engineering services will be required and the projects bid following normal City procedures.

Financial Considerations: Funding for bringing City facilities into ADA compliance has been budgeted for every year in the 2004-2013 Capital Improvement Program (CIP). A total of \$300,000 is budgeted for 2004 and 2005 to fund the ADA self-evaluation, development of a transition plan and beginning of construction on the highest priority items. The contract with Disability Management Consulting Group will be paid from those funds.

Legal Considerations: The Law Department has approved the Agreement as to form.

Recommendation/Action: It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

### **Agenda Item No. 9b**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0548

TO: Mayor and City Council

SUBJECT: New Marketing Strategy for City Activities

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Authorize staff to proceed with new publication and new vendor.

Background: Over the past years many of the City Departments have “done their own thing” as it relates to advertising their programs. A long time marketing strategy of the organization has been to better communicate the vast programs offered through departments. In an effort to maximize exposure yet lower cost, a staff committee has found a way to accomplish this goal.

Wichita Family demographics more closely match the desired target audience: mothers ages 24 – 54, with discretionary income. The editors have agreed to develop a new, larger publication that would allow enough space to include ALL city activity information and still cost approximately \$2,000 less than the smaller alternative currently done in the Wichita Eagle. The new publication will have its own identity (Live. Laugh. Play!) and be inside Wichita Family. It will have 64 pages, which will double the size of the current publication, which means more room for other departments and greater detail of classes and facilities. The publication would be distributed through all City facilities, as well as through Wichita Family's 45,000 circulation and there are free distribution points such as area schools and Dillon's stores.

Analysis: In an effort to work with all departments that offer activities and classes for different ages, this enhanced quarterly publication will provide better communications to feature classes at City facilities such as the Art Museum and WATER Center, golf, activities at the public library, environmental conservation and community education. The publication will be better quality with a four-color cover and its smaller size (5” X 7”) will give it a longer shelf life.

Financial Considerations: The cost is approximately \$11,000 per publication for two issues that make up the remainder of the year. The cost will be shared with departments, according to space allocation. The dollars are allocated in the Park & Recreation budget and there will be a savings. Other departments will be asked to pay a price per page (approximately \$170/page). The remainder will be paid from the City Manager's Office marketing budget.

Legal Considerations: The agreement has been approved as to form by the Department of Law.

Recommendations/Actions: It is recommended that the City Council approve the contract with the Wichita Family and authorize the necessary signatures.

### **Agenda Item No. 9c**

City of Wichita  
City Council Meeting

June 14, 2005

Agenda Report No. 05-0549

TO: Mayor and City Council Members

SUBJECT: Transportation Services Agreement- City and County Re: AirTran Airways, Inc.

INITIATED BY: Department of Law

AGENDA: Consent

Recommendation: Approve the agreement and authorize the necessary signatures.

Background: On April 19, 2005, the City Council entered into a one-year revenue guarantee agreement with AirTran Airways.

The presence of AirTran and their corresponding pricing structure has had a significant impact on airfares at Wichita Mid-Continent Airport, contributing to a 30% overall reduction in airfares and a corresponding 33% increase in passengers. It is estimated that the savings to the air travelers using Wichita Mid-Continent Airport as a result of the presence of AirTran exceeds \$85 million dollars.

Sedgwick County has joined in the effort to secure affordable air service at Wichita Mid-Continent Airport on a permanent, sustainable basis. On April 20, 2005 Sedgwick County approved an inter-local agreement with the City to provide additional funding for the revenue guarantee payments, in the event the City's funding is depleted

Analysis: The City submitted a request to Sedgwick County for joint funding of the AirTran jet service. The County determined that maintaining competitive airfares for the community would benefit both residents and businesses of Sedgwick County and provide an economic benefit to all citizens. The term of the inter-local agreement is one-year. Sedgwick County will pay up to one million dollars in supplemental funding.

Financial Considerations: The County's payment obligation is contingent upon the City's full performance of its obligations under the guarantee agreement with AirTran. The County's payment does not exceed one million dollars and the City shall apply any payment from the County for no other purpose than to fulfill the City's obligation to AirTran.

Legal Considerations: The agreement has been approved as to form by the Department of Law.

Recommendations/Actions: It is recommended that the City Council approve the Transportation Services Agreement and authorize the necessary signatures.

### **Agenda Item No. 10**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0550

TO: Mayor and City Council Members

SUBJECT: Change Order: Sierra Hills Addition Improvements (east of 127th St. East, north of Pawnee) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Change Order.

Background: On June 6, 2003, the City Council approved a contract with Kansas Paving Company for paving improvements in Sierra Hills Addition. It has since been determined that a detention pond in the development is leaking and needs a clay liner. In addition, dome bricks are needed in the wheelchair ramps to meet current Americans with Disability Act requirements.

Analysis: A Change Order has been prepared for the cost of the additional work. Funding is available within the project budget.

Financial Considerations: The cost of the additional work is \$14,360 with the total paid by special assessments. The original contract amount is \$667,062. This Change Order represents 2.15% of the original contract amount.

Legal Considerations: The Law Department has approved the Change Order as to legal form. The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Recommendation/Action: It is recommended that the City Council approve the Change Order and authorize the necessary signatures.

November 24, 2004  
PUBLIC WORKS-ENGINEERING CHANGE ORDER

To: Nowak Construction Co., Inc. Project: Lateral 91, Main 1, Southwest Interceptor Sewer to serve Hidden Glen Addition

Change Order No.: 1 Project No.: 468-83484

Purchase Order No.: 401004 OCA No.: 744064

CHARGE TO OCA No.: 744064 - \$16,500.00 PPN: 480752

620421 - \$10,000.00

706877 - \$8,500.00

Please perform the following extra work at a cost not to exceed \$35,000.00

ADD:

Replace defective stub	1 LS	@	35,000.00	=	35,000.00
TOTAL			\$35,000.00		

Recommended By: Approved:

\_\_\_\_\_  
Lawrence Schaller, P.E.

\_\_\_\_\_  
Date James Armour, P.E. Date

Construction Engineer

Acting City Engineer

Approved: Approved:

\_\_\_\_\_  
Contractor Date Chris Carrier, P.E. Date  
Acting Director of Public Works

Approved as to Form: By Order of the City Council:

\_\_\_\_\_  
Gary Rebenstorf  
Director of Law

\_\_\_\_\_  
Date  
Mayor

\_\_\_\_\_  
Carlos Mayans Date

Attest: \_\_\_\_\_  
City Clerk

## **Agenda Item No. 11**

CITY OF WICHITA  
City Council Meeting  
June 14, 2005  
Agenda Report No. 05-0551

TO: Mayor and City Council Members

SUBJECT: Acquisition of 2348 South Ellis Street for Pawnee Widening Improvement Project from Washington to Hydraulic (District III)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition.

Background: On October 21, 2003, the City Council approved the improvement and widening of Pawnee from Washington to Hydraulic. The project will require partial or total acquisition of 21 parcels, of which 15 are single-family residences. The 6th residence of the 15 required residential acquisitions is a 816 square foot single-family residence at 2348 South Ellis Street, northeast corner of East Pawnee and South Ellis. The property has 2 bedrooms, 1 bathrooms and consists of frame construction. The property is owner-occupied.

Analysis: The property was appraised at \$60,000. This offer of \$60,000 was accepted by the owner. The owner will be relocated, the improvements will be removed and the site utilized for widening Pawnee, placement of the sidewalk and landscaping.

Financial Considerations: The funding source for the project is General Obligation bonds and Federal monies. A budget of \$90,000 is requested. This includes \$60,000 for the acquisition, \$5,000 for demolition, \$24,000 for relocation and \$1,000 for title work and closing costs.

Legal Considerations: The Law Department has approved the contract as to form.

Recommendation/Action: It is recommended that 1) The City Council approve the budget and 2) Authorize all necessary signatures.

## **Agenda Item No. 12**

CITY OF WICHITA  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0552

TO: Mayor and City Council Members

SUBJECT: Lease of Antenna Site on McLean Manor (District VI)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the lease.

Background: McLean Manor, at 2627 West 9th Street is an eight-story apartment complex operated by the Wichita Housing Authority. Cingular Wireless has approached the City about placing a wireless antenna array on the roof of the building. There are currently two other arrays on the roof. It has been determined that sufficient space exists to accommodate this installation.

Analysis: The lease agreement provides for a five-year term with four five-year options. Monthly base rent is \$1,800 per month with a 15% increase during each option period. The lessee agrees not to interfere with the City's or other tenants use of the property. The lessee is responsible for any personal or real property taxes associated with the facility.

Financial Considerations: The City will receive rent revenues as described above. The lessee shall be responsible for all costs of installation, operation and maintenance of the facility.

Legal Considerations: The Law Department has approved the amendment as to form.

Recommendation/Action: It is recommended that the City Council; Approve the lease and authorize all necessary signatures.

### **Agenda Item No. 13**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0553

To: Mayor and City Council

Subject: Internet Crimes Against Children (ICAC) Grant

Initiated by: Police Department

Agenda: Consent

Recommendation: Approve the award.



Background: The City of Wichita Police Department, Sedgwick County Sheriff's Office and State Department of Social and Rehabilitation Services (SRS) have jointly operated an Exploited and Missing Child Unit (EMCU) since the mid 1980's. The mission of the unit is to investigate cases of missing and/or abused children, to identify offenders and to collect evidence for the prosecution of violators, all with the least amount of trauma to the child victims. SRS provides nine social workers, one office assistant and two program support workers; the Wichita Police Department provides eleven officers; and the Sheriff's Office provides two officers and two clerical staff. The Wichita Police Department, Sheriff's Office and SRS each fund the wages of their respective positions; operating expenditures are financed one-third by each entity. The EMCU operation is based on a Memorandum of Understanding signed by the five participating parties.

Analysis: Since 2002, the U.S. Department of Justice, Office of Juvenile Justice Programs (OJJP) has awarded an Internet Crimes Against Children (ICAC) grant to the EMCU. The grant is administered by Sedgwick County and provides funding for one Sheriff's Office detective and one Wichita Police Department detective assigned to the EMCU, and also vehicle, travel/training, equipment and supplies costs. The City of Wichita's portion of the 2005/06 ICAC grant award is \$102,000 for salary/benefits for one detective position and associated vehicle costs.

Financial Considerations: Sedgwick County will reimburse the City of Wichita for salary and benefit costs for a Police detective position and related vehicle fleet costs, not to exceed \$102,000 for an 18-month period.

Legal Considerations: The contract for services has been reviewed and approved as to form by the Law Department.

Recommendations/Actions: Approve the grant award.

### **Agenda Item No. 14**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0554

TO: Mayor and City Council

SUBJECT: Amendment to Agreement with CDM on Brooks Landfill Air Permit (District VI)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Amendment.

Background: On July 1, 2003, the City Council approved a contract with Camp Dresser & McKee (CDM) to assist the City in the preparation of a Title V Class I Air Permit Application for the Brooks Landfill. The permit was issued by KDHE on February 18, 2005.

Analysis: Under the conditions of the permit, the City is required to submit certain reports with the initial due dates as shown in the following table and is in need of other work products to meet the terms of the permit.

Report/Work Product	Initial Due Date
Semi-Annual New source Performance Standard (NSPS) Report	January 31, 2005
Annual Emissions Inventory Report	June 1, 2005
Permit Amendment for Phase II C&D Filling	One time only

The above work products were placed into the existing agreement by adjusting certain tasks in the agreement. This no-net-cost change was made by the City Manager on May 19, 2005. Other reports and work products are now needed. They are:

Report/Work Product	Initial Due Date
Semi-Annual New Source Performance Standard (NSPS) Report	July 31, 2005
National Emissions Standard for Hazardous Air Pollutants (NESHAP) Report	July 31, 2005
RFP Scope of Services for Title V Class I Air Permit	One time only

The cost of adding these new work products to the agreement is \$7,500. Once these work products are completed, staff will be able to develop a Request for Proposals to receive competitive proposals from consultants to assist in the preparation of these reports in the future on an ongoing basis. Staff will also determine what resources might be required to produce these reports in house.

Financial Considerations: Funds to pay the increased cost for the additional environmental reports and other needed work products are available within the Brooks Landfill Post-Closure Fund.

Legal Considerations: The City is required by the conditions of the new permit to prepare and submit the above environmental reports.

Recommendations/Actions: It is recommended that the City Council approve the amendment to the agreement with CDM and authorize the Mayor to sign.

## **Agenda Item No. 15**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0555

TO: Mayor and City Council

SUBJECT: General Obligation Bond Sale (Series 782); \$13,810,000  
General Obligation Bond Sale (Series 782A); \$1,610,000  
General Obligation Temporary Note Sale (Series 214); \$66,180,000

INITIATED BY: Department of Finance

AGENDA: Consent Agenda

RECOMMENDATION: Adopt resolutions.

BACKGROUND: The City is planning to offer for sale one series of general obligation temporary notes totaling \$66,180,000, and two series of general obligation bonds totaling \$15,420,000 for the purpose of providing permanent financing for capital improvement projects of the City. The public sale of the bonds and notes is scheduled for 10:30 a.m. on July 12, 2005, at which time sealed bids will be opened and the City Council will award the sale of bonds and notes to the bidders whose proposed interest rates result in the lowest overall cost to the City.

ANALYSIS: The City's Summer 2005 general obligation bond and note sale includes the following issues:

Temporary Notes

The proceeds from the sale of the Series 214 Temporary Improvement and Renewal Notes will be used to provide interim financing for the following various categories of City-at-large and improvement district projects:

Series 214

Project Category	Total
Arterial Paving	\$4,624,203
Bridges	1,747,000
Traffic Engineering	6,311
Public Improvements	14,305,000
Park	1,220,857
Neighborhood Improvements – Water	2,781,000
Neighborhood Improvements - Sewer	6,472,000
Neighborhood Improvements - Storm Sewer	6,364,000
Neighborhood Improvements – Paving	21,640,629
Facade Improvements	521,000
Storm Water Utility Improvements	6,498,000
<b>TOTAL SERIES 214 NOTES</b>	<b>\$66,180,000</b>

### **“Special Assessment Bonds”**

The proceeds from the sale of the Series 782 and 782A Bonds will be used to permanently finance various neighborhood improvements located in special improvement districts. Special assessments have been levied against the property owners in the improvement districts for the purpose of paying all or a portion of the costs of such improvements, including the payment of principal and interest on Series 782 Bonds. The Special Assessment Bonds, Series 782, will be issued in the par amount of \$13,810,000. The Special Assessment Bonds, Series 782A, will be issued in the par amount of \$1,610,000.

**FINANCIAL CONSIDERATIONS:** Beginning in 2001, the sale of bonds and notes has been awarded based on the bid with the lowest true interest cost, or “TIC”. Using TIC to calculate the bids, accounts for the time value of money. The TIC is the rate that will discount all future cash payments so that the sum of their present value will equal the bond proceeds. Further, using the TIC calculation can potentially result in a municipality saving money because TIC does not ignore the timing of interest payments.

The Series 214 Temporary Notes will mature on February 9, 2006 and will be retired using the proceeds of both permanent financing bonds and renewal notes.

The Series 782 Special Assessment Bonds will mature serially over 15 years with principal maturities structured to produce level annual payments of principal and interest. The Series 782 Bonds are payable from the collection of special assessments levied against benefited properties, and if not so paid, from citywide ad valorem taxes. The Series 782 Special Assessment bonds will be callable in 2012 with a 1% call premium.

The Series 782A Special Assessment Bonds will mature serially over 20 years with principal maturities structured to produce level annual payments of principal and interest. The Series 782A Bonds are payable from the collection of special assessments levied against benefited properties, and if not so paid, from citywide ad valorem taxes. The Series 782A Special Assessment bonds will be callable in 2015 with a 1% call premium.

**LEGAL CONSIDERATIONS:** The Law Department has approved the Resolutions authorizing the sale of the series of bonds and notes and will direct the publication and distribution of the Notices of Bond and Note Sale (prepared by the City’s Bond Counsel as required by law).

**RECOMMENDATION/ACTION:** It is recommended the City Council adopt resolutions authorizing general obligation bond and note sales, approve the submittal of the Preliminary Official Statement upon completion, and authorize publication of the Notices of Sale.

### **Agenda Item No. 16**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0556

TO: Mayor and City Council

SUBJECT: Water Rights Conservation Program

INITIATED BY: Water & Sewer Department

AGENDA: Consent

Recommendation: Approve the Water Rights Conservation Program Contracts for water right Numbers 6905, 10009, and 19969.

Background: Staff, with legal counsel and the state water regulatory staff, developed a contract and procedure for acquiring certified water rights in the Equus Beds. City Council approval was received August 2, 1991. The Equus Beds is where the City has wells and transmission lines that provide approximately one-half of the City's water supply.

In 1996, Staff advertised interest in purchasing water rights in the Equus Beds and successfully acquired water rights 6905, 10009 and 19969. These were placed under a 5-year conjunctive use contract expiring December 2003, with plans to place them in the Water Rights Conservation Program. In April 2004, the wells to these were plugged in accordance with the Division of Water Resources and Groundwater Management District No. 2.

Analysis: When the City originally sought to acquire additional water rights in the Equus Beds Wellfield, the intent was to purchase irrigation water rights and to convert them to municipal water rights to supplement the City's water supplies. Research done as part of the Water Supply Plan revealed that the Wellfield is over appropriated, so we have more water rights than there is available water. Using the state's recharge rate of six-inches per year, the wellfield would have a 'safe yield' of approximately 50,000 acre-feet per year; however, there are over 83,000 acre-feet of water rights allocated in the wellfield. The approved Water Supply Plan recommends that the City continue to acquire existing water rights in the wellfield to protect its current and projected investments, and not convert them to municipal water rights.

The State of Kansas Division of Water Resources developed the Water Rights Conservation Program. The program allows a water right owner to suspend the use of an existing water right up to ten years. Under normal conditions, if a water right is not used for three years, it can be declared abandoned and can be withdrawn. The Water Rights Conservation Program will allow the City to protect the water right without having to utilize the water right for either irrigation, or municipal purposes.

The three water rights recommended for enrollment in the conservation program are irrigation rights that are no longer used to irrigate crops. If the City does not use these rights for three years or place them in this conservation program, it would risk having the rights revoked. Water rights can be placed in the conservation program for a minimum of three years, or a maximum of ten. Staff recommends placement for the ten-year period.

Alternatives: Alternatives the City Council may wish to consider are:

1. Approve Water Rights Conservation Program Contracts. Staff recommends the maximum time allowed, but they could be placed in the program from three-to-ten years.
2. Do not approve the Contracts and do not participate in the conservation program.

Financial Considerations: There are no fees associated with participation in the conservation program.

Legal Considerations: The City is required to submit a Contract that specifies the affected water right, along with the amount of time the right would be held. During the specified Contract period, the water right cannot be used for any purpose.

Recommendations/Actions: Authorize Staff to submit the Contracts and authorize the necessary signatures.

### **Agenda Item No. 19**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0557

TO: Mayor and City Council

SUBJECT: Extension of IRB Tax Exemption (The Coleman Company)  
(District I)

INITIATED BY: City Manager's Office

AGENDA: New Business

Recommendation: Approve a one-year extension.

Background: On December 9, 1999, City Council approved issuance of Industrial Revenue Bonds in the amount of \$5.3 million to The Coleman Company. In conjunction with the bond issue, City Council approved a 100% property tax abatement for a 5-year term on the project, plus a second 5 years subject to Council review. Bond proceeds were used to finance the construction of a new corporate headquarters, the expansion of existing manufacturing facilities and the purchase of additional machinery and equipment for its manufacturing facilities in Wichita and Maize.

On December 31, 2004, the initial 5-year period for tax exemption expired. The Coleman Company request City Council extend the tax exemption to include the second five years on bond-financed real and property.

Analysis The Coleman Company, Inc. is engaged in the manufacturing and distribution of outdoor recreational products. The Company's principal products include a comprehensive line of pressurized lighting, cooling and heating appliances for camping and outdoor recreational use (such as Coleman lanterns and stoves), fuel-related products, including disposable propane-filled cylinders, a broad range of insulated food and beverage containers, portable electric lights, and other products for recreational use and do-it-yourself markets.

As a condition of the bond issue and tax exemption, Coleman committed to: construct a new corporate headquarters, expand existing manufacturing facilities, and purchase machinery and equipment, with a total investment of \$5,300,000, and create 200 new jobs within five years of the bond issue.

A measure of Coleman's initial five-year project commitments and outcomes are as follows:

1999 Commitment	December 31, 2004 Status
· Construct new building addition	Completed new headquarters and building addition
· Purchase Manufacturing Equipment:	Purchased equipment worth over \$4,695,000
· Create 200 new jobs in five years:	No jobs were created

Staff conducted a site-monitoring visit on July 24, 2004 and subsequent meetings were held in City Hall. Coleman has fallen short of its projection and has significantly downsized its workforce. Coleman has recently undergone an extensive corporate restructuring, following acquisition of Coleman's parent company by Jarden Corporation. The corporate headquarters of the Coleman Company was recently moved back to Wichita from Chicago, and the new company leadership plans to stabilize employment levels at the Wichita plant by consolidating operations from other locations. However, the company does not anticipate a significant increase in employment levels.

Financial Considerations: In 2000, the County's appraised value of the exempted bond-financed property was approximately \$3715,000. That property's appraised value is currently \$1,258,000. Based on the 2004 mill levy, the 2005 taxes on the exempted property would be approximately \$142,640. Coleman is current in payments of administrative service fees.

Legal Considerations: Section 7.5 of the lease provides the City Council reserves the right to terminate the exemption at the end of the first five-year period.

Each year, the City must re-certify to the County Clerk that the exempted property is still eligible in order to continue the property tax exemption for that year. This allows the City Council to review non-complying companies each year and revisit the decision to extend the exemption.

Recommendations/Actions: It is recommended that the City Council extend the tax exemption on the Coleman Company's IRB-financed personal property for a one-year period and review further extensions at the end of this year.

## **Agenda Item No. 20**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0558

TO: Mayor and City Council

SUBJECT: Extension of IRB Tax Exemption (FlightSafety International)  
(District V)

INITIATED BY: City Manager's Office

AGENDA: New Business

Recommendation: Approve the extension.

Background: On March 9, 1999, City Council approved issuance of Adjustable Mode Facility Refunding and Improvement Revenue Bonds in the amount of \$26,170,000 to FlightSafety International. In conjunction with the bond issue, City Council approved a 100% property tax abatement for a 5-year term on the bond-financed property, plus a second five years subject to City Council review. Bond proceeds were used to purchase and install seven training simulators, and redemption of the Series I, 1992 outstanding bonds. On December 31, 2004, the initial five-year period for tax exemption expired. FlightSafety International requests City Council extend the tax exemption to include the second five years on bond-financed real and property.

Analysis FlightSafety provides simulator training for private sector and public sector operators of aircraft and ships. FlightSafety also provides training in air traffic control procedures and certain aircraft maintenance. Owners and flight crew of aircraft purchased from Wichita-based aircraft manufacturers receive FlightSafety training as part of the purchase price of the aircraft.

As a condition of the bond issue and tax exemption, FlightSafety committed to: construct a new building addition and purchase training simulators, with a total investment of \$26,170,000, and create 50 new jobs within five years of the bond issue. A measure of FlightSafety's initial five-year project commitments and outcomes are as follows:

	1999 Commitment	December 31, 2004 Status
·	Purchase Manufacturing Equipment:	Purchased equipment costing \$15,000,000
·	Create 50 new jobs in five years:	Created 48 new jobs

Staff conducted a site-monitoring visit on August 19, 2004. FlightSafety has nearly met its projection of creating 48 new permanent jobs. In Wichita, FlightSafety's business is linked directly to the sales of business jets by Wichita-based aircraft companies. The company expects employment to continue to climb, along with the general aviation industry.



Financial Considerations: In 2000, the County's appraised value of the exempted bond-financed simulators was approximately \$12,588,000. That property's current appraised value is \$3,000,000. Based on the 2004 mill levy, the 2005 taxes on the exempted property would be approximately \$340,000. FlightSafety is current in payments of administrative service fees.

Legal Considerations: Section 7.5 of the lease provides the City Council reserves the right to terminate the exemption at the end of the first five-year period.

Recommendations/Actions: It is recommended that City Council extend the tax exemption on FlightSafety's IRB-financed property for a second five-year period.

### **Agenda Item No. 21**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0559

TO: Mayor and City Council

SUBJECT: Extension of IRB Tax Exemption (Lee Aerospace, Inc.)  
(District II)

INITIATED BY: City Manager's Office

AGENDA: New Business

Recommendation: Approve the extension.

Background: On June 9, 1999, City Council approved issuance of Industrial Revenue Bonds in the amount of \$4.5 million to Lee Aerospace, Inc. In conjunction with the bond issue, City Council approved a 100% property tax abatement for a 5-year term on the project, plus a second 5 years subject to Council review. Bond proceeds were used to acquire property and construct a new facility including 30,000 s.f. for manufacturing space and 8,000 s.f. for office space and new modern equipment located at 8500 E. 32nd Street North in northeast Wichita. On December 31, 2004, the initial five-year period for tax exemption expired. Lee Aerospace, Inc. requests City Council extend the tax exemption to include the second five years on bond-financed property.

Analysis: Lee Aerospace manufactures windshields, cockpit windows, side windows, and laminated cabin windows. Lee Aerospace's primary customer base includes Boeing, Raytheon, Cessna, and Learjet aircraft.

As a condition of the bond issue and tax exemption, Lee Aerospace committed to: construct a new 30,000 s.f. manufacturing facility, and an additional 8,00 s.f. for office space, and purchase new modern equipment, with a total investment of \$4,500,000, and create 50 new jobs within

five years of the bond issue. A measure of Lee Aerospace's initial five-year project commitments and outcomes are as follows:

- | 1999 Commitment                        | December 31, 2004 Status                          |
|--|---|
| · Construct new manufacturing facility | Completed a total of 38,000 SF building additions |
| · Purchase Manufacturing Equipment:    | Purchased equipment worth over \$848,000          |
| · Create 50 new jobs in five years:    | Created 50 new jobs                               |

Lee Aerospace has met its projection of creating 50 new permanent jobs.

Financial Considerations: In 2003, Lee Aerospace paid approximately \$8,108.05 in personal property taxes. The appraised value exempted property is currently \$4,630,420. Lee Aerospace is current in payments of administrative service fees.

Legal Considerations: Section 7.5 of the lease provides the City Council reserves the right to terminate the exemption at the end of the first five-year period.

Recommendations/Actions: It is recommended that City Council extend the tax exemption on Lee Aerospace's IRB-financed property for a second five-year term.

## **Agenda Item No. 22**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0560

TO: Mayor and City Council

SUBJECT: Extension of IRB Tax Exemption (McCormick-Armstrong Co., Inc.)  
(District I)

INITIATED BY: City Manager's Office

AGENDA: New Business

Recommendation: Approve a one-year extension.

Background: On July 27, 1999, City Council approved issuance of Industrial Revenue Bonds in the amount of \$2.3 million to McCormick-Armstrong Co., Inc. In conjunction with the bond issue, City Council approved a 100% property tax abatement for a 5-year term on the project, plus a second 5 years subject to Council review. Bond proceeds were used to finance the purchase, rehabilitation, and installation of manufacturing equipment located at their existing facility. On December 31, 2004, the initial five-year period for tax exemption expired.

McCormick-Armstrong requests the City Council approve the second five years of tax exemption on bond-financed property.

**Analysis** McCormick-Armstrong is among the largest and oldest commercial print product manufacturers in Kansas. McCormick-Armstrong utilizes state-of-the-art printing technology for the production of advertising, catalogs, short-run publications, calendars, etc. The company used industrial revenue bonds to acquire a new state-of-the-art printing press and associated production equipment used in the process of manufacturing printed products. The new equipment upgrade allowed for the Company's prepress department to implement "direct-to-plate" technologies, which included new proofing and plate setting equipment.

As a condition of the bond issue and tax exemption, McCormick-Armstrong committed to: purchase, and install certain manufacturing equipment, with a total investment of \$2,300,000, and create 50 new jobs within five years of the bond issue.

A measure of McCormick-Armstrong's initial five-year project commitments and outcomes are as follows:

1999 Commitment	December 31, 2004 Status
-----------------	--------------------------

- |   |  |
|---|--|
| · | Purchase Manufacturing Equipment: Purchased equipment worth over \$2,300,000 |
| · | Create 50 new jobs in five years: No jobs were created                       |

Staff conducted a site-monitoring visit on October 16, 2003. McCormick-Armstrong has fallen short of its projection and has significantly downsized its workforce. The company reports that the terrorist attacks of 9-11-2001 and the ensuing economic downturn has prevented the company from adding employees, and in fact caused them to reduce their workforce to a level that could be supported by production levels. As the economy has started to rebound, the company has started to increase its capacity and begin hiring again. However, the company cannot be certain it will reach the level of employment that it projected it would in 1999.

**Financial Considerations:** In 2000, the appraised value of the exempted property was approximately \$1,971,000. That property's current appraised value is approximately \$450,000. Based on the 2004 mill levy, the 2005 taxes on the exempted property will be approximately \$52,000. McCormick-Armstrong is current in payments of administrative service fees.

**Legal Considerations:** Section 7.5 of the lease provides the City Council reserves the right to terminate the exemption at the end of the first five-year period.

Each year, the City must re-certify to the County Clerk that the exempted property is still eligible in order to continue the property tax exemption for that year. This allows the City Council to review non-complying companies each year and revisit the decision to extend the exemption.

**Recommendations/Actions:** It is recommended that the City Council extend the tax exemption on McCormick-Armstrong's IRB-financed personal property for a one-year period and review the further extensions at the end of this year.

## **Agenda Item No. 23**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0561

TO: Mayor and City Council

SUBJECT: Extension of IRB Tax Exemption (Ritchie Companies) (District V)

INITIATED BY: City Manager's Office

AGENDA: New Business

Recommendation: Approve the extension.

Background: On August 17, 1999, City Council approved issuance of Industrial Revenue Bonds in the amount of \$3,600,000 to Ritchie Companies. In conjunction with the bond issue, City Council approved a 100% property tax abatement for a 100% five-plus-five-year term on bond-financed property. Bond proceeds were used to acquire, construct, and equip a new corporate headquarters' facility located at 2872 N. Ridge Road in northwest Wichita.

On December 31, 2004, the initial five-year period for tax exemption expired. Ritchie Companies requests City Council extend the tax exemption to include the second five-years on the 1999 bond-financed property.

Analysis: Ritchie Companies is the parent company of Ritchie Corporation and Rich-Mix Products, Inc. Ritchie Corporation is a manufacturing and construction-related company doing business primarily in Kansas through its several subsidiaries, including Ritchie Paving, Ritchie Sand, Allen Concrete, Ark Valley Concrete and Concrete Accessories Company. Rich-Mix Products is a consumer products manufacturing company operating throughout the Midwest in the production and marketing of bagged concrete mixes and related products such as patio stone and lawn and garden products for the "do-it-yourself" industry. Rich-Mix has plants in Wichita, Dallas, Kansas City, Oklahoma City, Tulsa and Springfield, Missouri.

As a condition of the bond issue and tax exemption, Ritchie Companies committed to: construct and equip a new corporate headquarters' facility worth \$3,600,000; and, create 30 new jobs within five years of the bond issue. A measure of Ritchie's initial five-year project commitments and outcomes are as follows:

1999 Commitment	December 31, 2004 Status
· Construct new corporate headquarters: \$3,600,000	Completed new headquarters worth

- Create 30 new jobs in five years: Created 29 new jobs

Staff conducted a site-monitoring visit on April 21, 2005. Ritchie Companies has come nearly close to meeting its projection of 30 new permanent jobs by creating 29 new jobs. Ritchie's additional goal relating to the bond-financed project was an overall increase in sales. Ritchie increased sales by more than 34 % since 1999.

Financial Considerations: Ritchie Companies is current in payments of administrative service fees.

Legal Considerations: Section 7.5 of the lease provides the City Council reserves the right to terminate the exemption at the end of the first five-year period.

Recommendations/Actions: It is recommended that City Council extend the tax exemption on Ritchie Companies' IRB-financed property for a second five-year term.

### **Agenda Item No. 24**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0562

TO: Mayor and City Council

SUBJECT: Wichita Employees' Retirement and Police & Fire Retirement Systems  
Actuarial Valuation Reports (January 1, 2004 – December 31, 2004)  
Presentation by the Retirement Systems' Actuary

INITIATED BY: Department of Finance

AGENDA: New Business

Recommendations: Receive and file the Actuarial Reports and approve the 2006 employer contributions.

Background: The Board of Trustees for both the Wichita Employees' Retirement (WER) System and the Police & Fire (P&F) Retirement System employ Milliman USA to serve as technical advisor/consultant and to supply the Boards with information relative to actuarial phases of the operations of the Retirement Systems. The actuary recommends the mortality, interest, and other required actuarial tables; prepares an annual valuation of liabilities and reserves, and makes an annual determination of the amount of contributions necessary to meet requirements for annuities and benefits, certifying the results to the Boards; and reviews the operating experience of the Retirement Systems as a check of the adequacy of the recommended actuarial standards.

Analysis: The funding objective of the WER and P&F Retirement Systems is to establish and receive contributions, expressed as percents of active member pensionable payroll, which will remain approximately level from year to year, and will not have to be increased for future generations of citizens in the absence of benefit improvements. The Retirement Systems are supported by: (1) Member contributions; (2) City contributions; and (3) investment income from the Retirement Systems' assets.

1. The actuary's valuations state that for the fiscal year beginning January 1, 2006, the range for the City's required contributions to the WER System is 3.5% to 8.2%. The City's required contribution to the P&F System is 18.4%, as there is no current surplus funding to offset contributions. Contribution rates are stated as a percent of active member pensionable payroll. These rates are based on the benefit provisions and active member contribution rates in effect on December 31, 2004. Of the total dollar amount contributed to WER, City contributions for Plan 3 (a defined contribution plan) are allocated to Plan 3 individual members' accounts.

The employer funding objective contribution requirement has been computed to remain level from year to year as a percentage of active member pensionable payroll, so long as benefits and demographic make-up of members does not change materially, and experience assumptions are realized.

2. In accordance with governing Rules and Ordinances, the Retirement System's actuary, Milliman, Inc., completed a five (5) year experience study (1998 through 2003) for both the WER and P&F Retirement Systems. The purpose of this study is to determine how accurately current actuarial assumptions have predicted actual experience, and whether assumptions should be modified for future valuations. Based on the study, the actuary recommended numerous changes to the assumptions, which were approved by the individual Boards for first implementation with the December 31, 2004 actuarial report.

The major assumption changes for both the WER & P&F Retirement Systems included lowering the inflation assumption from 4.5% to 4.0%, and reducing the general wage increase assumption from 4.75% to 4.5%. In addition, changes were made to demographic and salary increase assumptions including the incorporation of a new set of mortality tables published by the Society of Actuaries known as the RP-2000 Tables. The new tables project future mortality improvements on a generational basis.

3. The funded ratios (liabilities covered by assets) and employer (City) contributions for WER and P&F Retirement Systems over the past three (3) years are shown below:

Budget				
WER	Period Ending Year	Funded Ratios	Employer Contributions	
	December 31, 2002	2004	117.0%	4.7%
	December 31, 2003	2005	115.4%	4.7%
	December 31, 2004	2006	112.1%	4.7%

Budget

P&F	Period Ending Year	Funded Ratios	Employer Contributions
	December 31, 2002	2004	106.2% 14.0%
	December 31, 2003	2005	106.8% 14.0%
	December 31, 2004	2006	99.8% 18.4%

4. In summary, the actuary's reports reflect that the aggregate experience of the Retirement Systems during the twelve months (12) ended December 31, 2004, after the changes in assumptions from the Experience Study, was as expected in WER except for a small net loss due to experience. P&F experienced a greater net loss than expected. A large portion of this loss was due to salary increases during the last year being much higher than the assumptions (a result of the timing lag due to extended contract negotiations) and the increase in life expectancy for males due to the newly adopted mortality tables. The losses in P&F entirely exhausted the prior year surplus, resulting in the P&F Retirement System being slightly underfunded. The change in the funded ratios and the funding objective employer contribution rates from 2005 to 2006 reflect the experience during the year.

Financial Considerations: : In conjunction with the actuary's recommendation and in keeping with the City's current policy of maintaining level contribution rates, the Department of Finance recommends the City's contribution rates, expressed as a percent of active member pensionable payroll, remain constant for WER at 4.7%, and increase from 14.0% to 18.4% for P&F for the fiscal year 2006.

Legal Considerations: Under the ordinances creating the two pension systems, the City is statutorily required to contribute the actuarially required contributions to the Retirement Systems.

Recommendation/Actions: It is recommended that the City Council receive and file the Wichita Employees' Retirement and Police & Fire Retirement Systems Actuarial Valuation Reports (January 1, 2004 – December 31, 2004) as submitted, and approve the 2006 employer retirement fund contribution rates.

## **Agenda Item No. 25**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0563

TO: Mayor and Members of the City Council

SUBJECT: HUD Consolidated Plan - Substantial Amendment

INITIATED BY: Housing and Community Services Department

AGENDA: New Business

Recommendation: Authorize a 30-day public comment period.

Background: Staff has prepared a substantial amendment to the 2005/2006 One Year Action Plan to provide funding for building permits for the Harbor House Construction project. The Harbor House provides shelter for domestic violence victims.

Analysis: The proposed CDBG substantial amendment is consistent with the City Council's previous action to adopt the 2005/2006 One Year Action Plan. This project is eligible under CFR 570.201(e) as a public service and as a limited client activity under CFR 570.208(a)(2)(i)(A).

Financial Considerations: The Harbor House construction project will be funded from program income that has been collected since the approval of the 2005/2006 One Year Action Plan. Total CDBG funding not to exceed \$8,000 will be provided to the Office of Central Inspection and the City Water Department for required building and water permits.

Legal Considerations: HUD regulations require that citizens be allowed 30 days to comment on all substantial amendments to the City's Consolidated Plan. All citizen comments received will be presented to the City Council for consideration before the amendment is adopted. HUD must be notified of approved amendments to the Consolidated Plan before they can be implemented.

Recommendation/Action: Authorize a 30-day public comment period and approve the substantial amendments subject to citizen comments received.

## **Agenda Item No. 26**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0564

TO: Mayor and City Council

SUBJECT: Amendment to parking procedures in Old Town District. (District VI)

INITIATED BY: City Manager's Office

AGENDA: New Business

Recommendation: Approve first reading of the ordinance.

Background: The Merchants of Old Town Association (MOTA) has worked with Council Member Fearey, and city staff including Police, Traffic Engineering, Law and the City Manager's Office to mitigate parking issues in Old Town particularly congestion during the



evening hours. Due to the popularity of Old Town, especially on the weekends, many visitors have chosen to utilize limousines and charter buses for their mode of transportation. Inasmuch as limousines and small buses carry many more passengers than standard cars or passenger vehicles, use of these vehicles mitigates some of the demand for parking spaces and vehicular congestion.

Analysis: Staff recommends that restricted short-term loading and unloading zones for limos and charter buses be established in Old Town particularly where the existing taxi stands are now located. According to MOTA and the Community Police officers, the two existing taxi stands are seldom used. These two locations are on the south side of First Street east of Mosley and on the north side of Second Street east of Mosley. In addition, a third drop-off and pick up for limos and charter buses is recommended on the north side of Douglas immediately west of Mead. (See the enclosed aerial for locations.) The hours during which the loading and unloading zones will be in effect will be 9 p.m. to 3 a.m. daily.

Both MOTA and the Old Town Community Police officers recommend that in order for enforcement of these restricted zones to be effective that the violation be punishable by a fine of not less than \$100 per occurrence. The fine will be posted on the signage. Prior to full implementation of the fine schedule, Community Police officers will notify the limousine and charter bus companies as well as Old Town businesses of the changes. During the initial implementation, courtesy tickets advising of the changes will be posted on illegally parked vehicles.

Financial Considerations: The cost to fabricate and install the new signs is \$450 and will be funded through the Traffic Maintenance Budget. The Community Police officers and Wichita Ambassadors will provide enforcement.

Legal Considerations: The Law Department has drafted the amendments to Section 11.52.115 of the Code pertaining to parking procedures in the Old Town district. (Amended ordinance is attached.)

Recommendation/Actions: It is recommended that the City Council approve first reading of the ordinance.

### **Agenda Item No. 27**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0565

TO: Mayor and City Council

SUBJECT: VAC2004-00064 Request to vacate a portions of platted street right-of-way, multiple platted front setbacks and platted utility

easements, generally located north of Central Avenue and west of Tyler Road.  
(District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

Background: The applicant proposes to vacate a portion of the Waddington Court right-of-way (ROW) and the platted 25-foot front setback that runs parallel to the ROW and replace them with the Subdivision's 'Narrow Local Residential Street' standards. This type of street design is intended for limited use in duplex development (one of several uses) in cul-de-sacs. The applicant also proposes to vacate the north 10-feet of the platted 20-foot utility easement that is located along the south lot lines of Lots 1 to 16. There are no water or sewer lines in the platted easement. The Four H Addition was recorded with the Register of Deeds on April 1, 1993.

Analysis: The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing (December 23, 2004) or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: None

Legal Considerations: A certified copy of the Vacation Order, an easement dedicated by separate instrument for utilities and drainage and a front setback dedicated by separate instrument will be recorded with the Register of Deeds. A restrictive covenant for off street parking has been recorded with the Register of Deeds.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

### **Agenda Item No. 28**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0566

TO: Mayor and City Council

SUBJECT: VAC2005-00013 Request to vacate the use restrictions listed on the plat or a reserve to allow additional uses, generally located east of Tyler Road

and south of 29th Street North, more specifically northeast of the Pepper Ridge Street and Meadow Park Street intersection. (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

Background: The applicant is requesting consideration for the vacation of the use restrictions listed in the plat's text for platted Reserve "E" in Fossil Rim Estates Addition. The uses permitted in Reserve "E" include: drainage purposes, landscaping, sidewalks, lakes, open spaces, berms and utilities confined to easements. The applicant requests the vacation to allow the additional uses of a neighborhood swimming pool, a parking lot, a club house and related facilities and recreational uses, while retaining the existing allowed uses in Reserve "E". There are no manholes or sewer and water lines in the reserve. The applicant has submitted a drainage plan that has been approved by the Public Works Department. The applicant has provided an approved site plan. The Fossil Rim Estates Addition was recorded with the Register of Deeds on May 31, 2002.

Analysis: The MAPC voted (9-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing (April 14, 2005) or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: None.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds. Retain the original uses allowed in Reserve "E" for drainage purposes, landscaping, sidewalks, lakes, open spaces, berms and utilities confined to easements and allow the additional uses of a neighborhood swimming pool, a parking lot, a club house and related facilities and recreational uses.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

### **Agenda Item No. 29**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0567

TO: Mayor and City Council

SUBJECT: VAC2005-00016 Request to vacate a utility easement dedicated by separate instrument, generally located south of Harry Street and west of Southwest Boulevard, more specifically on the southwest corner of Knight and Esthner Avenues.  
(District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

Background: The applicant is requesting consideration for the vacation of a portion of a 20-foot utility easement dedicated by separate instrument; Film 274, Pages 813 & 814. The applicant proposes to build onto the existing building which will put it over the easement. There is a sewer line in the portion of the easement the applicant wants to vacate. The applicant has provided an Engineer's Certificate of Completion in regards to the sewer line located in the easement having been abandoned. This Certificate has been approved by the Public Works Department. There are no water lines in this easement. The Freeman Addition appears to have been recorded with the Register of Deeds in 1910.

Analysis: The MAPC voted (10-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing (May 12, 2005) or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: None.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

### **Agenda Item No. 30**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0568

TO: Mayor and City Council

SUBJECT: VAC2005-00018 Request to vacate portions of platted utility easements, generally located on 21st Street North midway between 127th Street East and 143rd Street East, more specifically on the southwest corner of 21st Street North & Clear Creek Street.  
(District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

Background: The applicant is requesting consideration to vacate portions of platted utility easements. There are no franchised utilities, sewer or water lines in the described portion of the utility easement. The applicant has provided a copy of a recorded easement for future location of utilities. The Reed's Cove 3rd Addition was recorded with the Register of Deeds on May 26, 2004.

Analysis: The MAPC voted (10-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing (May 12, 2005) or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: None.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

### **Agenda Item No. 31**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0569

TO: Mayor and City Council

SUBJECT: ZON2005-00014 – Zone change from “LC” Limited Commercial to “SF-5” Single-family Residential. Generally located at the northwest corner of 13th Street North and Webb Road. (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

MAPC Recommendations: Approve, vote (10-0).

MAPD Staff Recommendations: Approve.

DAB Recommendations: Not applicable.

Background: The applicant requests a zone change from “LC” Limited Commercial to “SF-5” Single-family Residential on a 0.57 acre unplatted tract located west of Webb Road and north of 13th Street North. The site is developed with a single-family residence. The applicant recently sought and obtained a rezoning and CUP (The Foliage Center Commercial Community Unit Plan-DP-282) on property southwest of this application area. This request is a downzoning which the applicant offered during his previous request for commercial zoning and a CUP.

North and west of the application area is “SF-5” zoned property under the same ownership as the application area. Southeast of this site is “LC” zoned vacant property recently approved for The Foliage CUP. Further south, across 13th Street, is a “GO” General Office and “LC” zoned office park. East of the application area, across Webb Road, is the “LI” Limited Industrial zoned Waterfront commercial development and lake.

Analysis: At its regular meeting on May 12, 2005, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered and approved this request. No members of the public spoke regarding the request.

Financial Considerations: None.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions: It is recommended that the City Council

1. Concur with the findings of the MAPC and approve the first reading of the ordinance establishing the zone change to “SF-5” Single-family Residential; or
2. Return the application to MAPC for reconsideration.

(An override of the Planning Commission’s recommendation requires a two-thirds majority vote of the members of the governing body on the first hearing.)

## **Agenda Item No. 32**

City of Wichita  
City Council Meeting

June 14, 2005

Agenda Report No. 05-0570

TO: Mayor and City Council Members

SUBJECT: CUP2003-00055 & ZON2003-00053 – Extension of time to complete platting required for DP-269 Spencer’s Cove Commercial Community Unit Plan and a zone change from “SF-5” Single Family Residential to “LC” Limited Commercial, “NR” Neighborhood Retail, and “GO” General Office. Generally located south of 29th Street North and west of Maize Road (District V).

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve extended platting deadline of October 17, 2005.

Background: On December 17, 2003, the Board of County Commissioners approved the creation of DP-269 Spencer’s Cove Commercial Community Unit Plan (CUP) and a zone change from “SF-20” Single Family Residential to “LC” Limited Commercial, “NR” Neighborhood Retail, and “GO” General Office for 19.1 acres located south of 29th Street North and west of Maize Road. The CUP and zone change were approved subject to platting the property within one year. Per adopted policy, the platting deadline was extended by six months to June 17, 2005 by the Chair of the Board of County Commissioners. The applicant indicates in the attached letter that a plat for the property has yet to be prepared due to delays in working with the Corps of Engineers regarding drainage issues associated with the property. The applicant has requested an additional two years to complete platting due to the uncertainty regarding the length of time it will take to resolve the outstanding drainage issues with the Corps of Engineers. On May 27, 2005, the subject property was annexed by the City of Wichita, thus changing the current zoning to “SF-5” Single Family and placing the requested platting extension under the decision making authority of the City Council.

Analysis: Public Works has reviewed the requested two-year platting extension and is of the opinion that the drainage issues regarding the subject property are nearly resolved and only four additional months are needed to complete the platting process. Public Works indicates that the drainage issues associated with the subject property directly impact the drainage issues associated with surrounding properties and is concerned that if an additional two years are granted to plat the subject property that it will hinder the timely development of surrounding properties. Therefore, staff recommends that an extension of time to complete platting requirements be granted only for four months instead of the requested two years.

Financial Considerations: None.

Legal Considerations: No legal documents are required to enact the granting of the platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

Recommendations/Actions: Approve extended platting deadline of October 17, 2005.

**Agenda Item No. 33**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0571

TO: Mayor and City Council Members

SUBJECT: SUB 2005-41 -- Plat of Regency Park 3rd Addition, Located South of 29th Street North and west of Greenwich Road. (District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

Background: This site, consisting of seven lots on 19.86 acres, is a replat of a portion of Lots Eight and Nine, Block One, Regency Park Addition. This site is located within Wichita's city limits. A Protective Overlay (P.O. #13) was also approved for this site. A Notice of Protective Overlay has been submitted addressing uses, screening, signage, building height and setbacks.

Analysis: Petitions, all 100 percent, and a Certificate of Petitions have been submitted for water, paving and sanitary sewer improvements. This site is within the noise impact area of McConnell Air Force Base; therefore, an Avigational Easement and Restrictive Covenant have been submitted. The City of Wichita has an interest in this property's ownership and is shown as one of the site's plattors.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Legal Considerations: The Notice of Protective Overlay, Certificate of Petitions, Avigational Easement and Restrictive Covenant will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council approve the documents and plat, adopt the Resolutions, and authorize the necessary signatures both as to approval of the plat and as to the City's ownership interest.

**Agenda Item No. 34**



City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0572

TO: Mayor and City Council Members

SUBJECT: SUB 2005-26: Plat of Goddard School Addition, Located South of Maple and on the East Side of 167th Street West. (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

Background: This site, consisting of one lot on 44.5 acres, is located within Wichita's city limits and is zoned SF-5, Single-family Residential District.

Analysis: Petitions, 100 percent, and a Certificate of Petitions have been submitted for street, sanitary sewer, water main and storm water improvements. For those reserves being platted for drainage purposes, a Maintenance Covenant was submitted to provide for the ownership and maintenance of the reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Legal Considerations: The Certificate of Petitions and Maintenance Covenant will be recorded with the Register of Deeds.

Recommendations/Actions: Approve the documents and plat, authorize the necessary signatures and adopt Resolutions.

### **Agenda Item No. 35**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0573

TO: Mayor and City Council Members

SUBJECT: DED 2005-15 -- Dedication of Street Right-of-Way and DED 2005-16 -- Dedication of a Utility Easement, Located on the North Side of 33rd Street North and West of Arkansas. (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

MAPC Recommendation: Accept the Dedications. (10-0)

Background: These dedications are associated with a lot split case (SUB 2005-37). The Dedications are for additional street right-of-way along Jeanette and for construction and maintenance of public utilities.

Analysis: The Dedications have been reviewed and approved by the Planning Commission.

Financial Consideration: None.

Legal Consideration: The Dedications will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council accept the Dedications.

### **Agenda Item No.36**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0574

TO: Wichita Airport Authority

SUBJECT: Midfield Road Site Development  
Electrical Service  
Wichita Mid-Continent Airport

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the Supplemental Agreement.

Background: The Wichita Airport Authority approved the Professional Engineering Consultants design contract on February 1, 2005. The project was approved to relocate facilities, install utilities, and construct a street.

Analysis: A supplemental agreement has been prepared to provide construction-related services.

Financial Considerations: The cost of the construction-related services is \$7,760 and is within the project budget.

Legal Considerations: The Law Department has approved the Supplemental Agreement.

Recommendations/Actions: Approve Supplemental Agreement, and authorize the necessary signatures.

### **Agenda Item No. 37**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0575

TO: Wichita Airport Authority

SUBJECT: Midfield Road Site Development  
Contract- Rotating Beacon Relocation  
Wichita Mid-Continent Airport

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the Contract.

Background: On May 3, 2005 the Wichita Airport Authority approved the Rotating Beacon Relocation as part of the Midfield Road Site Development project to accommodate the new Honeywell development on Wichita Mid-Continent Airport.

Analysis: A request for qualifications was conducted and Professional Engineering Consultants, Inc. has been selected to provide professional services related to the project. A contract has been prepared for design and bid phase services.

Financial Considerations: The contract amount is \$24,125.25 and will be funded with General Obligation bonds paid for with Airport Revenue. The project is eligible for a federal grant and at the appropriate time a grant application will be submitted. If successful, the funds will be used to reimburse the expenses.

Legal Considerations: The Law Department has approved the contract.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the contract and authorize necessary signatures.

### **Agenda Item No. 38**

City of Wichita  
City Council Meeting  
June 14, 2005

Agenda Report No. 05-0576

TO: Wichita Airport Authority

SUBJECT: Airfield Pavement  
South Air Cargo Apron and Related Projects  
Wichita Mid-Continent Airport

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority

Recommendation: Approve the Change Order.

Background: On March 5, 2002 Ritchie Paving, Inc. was awarded the contract for the South Air Cargo Apron and related projects in the amount of \$631,666.08.

Analysis: A final change order has been prepared to adjust final construction quantities and to address liquidated damages. The project will then be closed out.

Financial Considerations: The change order in the amount of \$31,160.80 is within the approved budget and will be paid for with a grant from the Federal Aviation Administration (FAA), Passenger Facility Charges and airport revenue. Total changes are less than one-percent of the original contract amount. It is requested that \$24,000 of the approved funds identified for Passenger Facility Charges be reallocated and paid with airport revenue.

Legal Considerations: The change order has been approved by the Law Department and is being reviewed by the FAA.

Recommendations/Actions: Approve the change order, reallocate the funding sources and authorize the necessary signatures.